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The Lawyers in the Holy Roman Empire of the 16th to the 18th Century. A Historical Data Base

*Fillipo Ranieri**

1.1. State of Research

There has been no extensive investigation on the education, professionalization, career, social background, and family circumstances of German lawyers of the Holy Empire (16th-18th century) these days. Single essays, however, concerning the personnel composition of some courts or offices are known to be available. Such essays naturally remain indispensable as they represent the basis for further syntheses. Nevertheless, a lack of research in this respect cannot be denied: a social-historical survey of this professional group with regard to safe data on the numerical amount of graduated lawyers, their social origin, their university education, changes of time within their family life and their typical career within the rank society of the Holy Empire are still missing. Numerous pieces of investigation, dealing with single regional or imperial authorities can only point out details and provide elements for attempting a total analysis.

Such a synthesis does not exist up to now. That does not only apply to the late Middle Age, but also particularly to the 17th and 18th century.

1.2. Purpose of the Project

The project's objective that will be presented here, emerged from the described research situation. The intention is, to reconstruct all graduated lawyers of the Holy Empire from the 17th to the 18th century prosopographically, in a detailed legal and social-historical investigation. At the same time this professional group will be analysed according to their university education, their family circumstances and their examples of making career in society.

My thesis actually is that such a research strategy can be realized for the prosopography of German graduated lawyers of the decades between 1550 and 1750. A consequent consideration of the technical possibilities, offered

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by computer processing, and the analysis of an up to now hardly noticed source from the history of lawyers' education, form a basis to register a great part of German graduated jurists from this epoch separately. Furthermore, it offers the possibility of discussing all these problems from a different point of view by bringing up new aspects. From the sources of university history of the 17th and 18th century, the hardly clear number of dissertations and disputations are to be considered. This material represents a unique and up to now scarcely utilized historical source for legal history as well as social history. I do not want to describe this genre of literature in its history and characteristics here in detail. I only want to mention some facts: As it is known, having oral disputations dates back to the pedagogical tradition university. It also represents a central aspect of teaching at German universities of the 16th to the 18th century. That applies especially to the juridical faculties, where disputations were held systematically as a kind of training or for the achievement of an academic grade, mostly suggested and led by »Praeses«. Originally, the disputation was an oral training. But already at the end of the 16th century, it became obvious, particularly at German universities of the Holy Empire that also written elaborations were formulated and printed on the occasion of a disputation. During the 17th century, this primarily became a rule at law faculties because their status often demanded it.

The literary significance of these writings is different. Mainly, these are not treatises which take up an important place among juridical history of dogmas and ideas. But what really makes up the characteristic and unique quality as a source of this genre is that it appears on a massive scale. As disputing at that time, at least until the middle of the 18th century, belonged to the normal curriculum of juridical education, the evaluation of this kind of literature offers the chance of registering the historical population of 17th and 18th century graduated jurists of the Holy Empire, especially those who achieved an academic grade left an unique and impressive collective evidence« in their dissertations during the period of their university stay.

1.3. Results of Preliminary Work

Both, legal and social history capitulated to such a source. The mass of records and the insufficient and often simply lacking investigation of most writings in libraries make it impossible to use the material in historical research. Such an analysis has for the first time become possible through my developed research project at the Max-Planck-Institute of European legal history. The project deals with authors and subjects of juridical dissertations, being worked out during 1600 and 1800 at German universities in the area of the Holy Empire. The Institute's unique collection, particu-

lary the supply of about 70,000 dissertations from the 17th and the 18th century of the Holy Empire and the possibilities offered by computer processing gave the fundamental impetus for starting such a project. The main basis of the examination was for the time being the above mentioned collection of juridical dissertations. The previous results show that they make up about half of all historically provable dissertations. The historical, literary and biographical information on each juridical dissertation and each disputation candidate (respondent) are sorted out by a data bank in order to make legal-historical and social-historical investigation possible. We tried to register all those juridical dissertations of the Holy Empire's universities from the chosen time period, which could be investigated either from the institute's analysis of work, or from catalogues of library's stocks, from book exhibitions, from contemporary Sortiments, from old bibliographies and matriculation registers. The biographical data on each respondent gathered from the dissertations were added by facts examined from matriculation registers, catalogues of funeral sermons. We started the project in different steps. In a preliminary phase that is completed by now, all provable juridical dissertations from specific years (1601-1605/1651-1655/1701-1705/1751-1755) were registered. The same applies to the biographical data on the involved graduated lawyers. In a similar way, we investigated bibliographical and biographical data of a statistically representative sample survey of those writings (that refers to dissertations of jurists whose family name begins with A. and E.).

Finally, the biographical and bibliographical data of all dissertations of the universities of Basel, Helmstedt, Halle, Duisburg, Gießen, Königsberg and Prag were incorporated into the data bank. Under three different aspects (a specific year, a statistically representative sample survey (name) and a university), the data bank now offers far-reaching opportunities of analysis.

At the moment, the data bank contains information on 20,000 jurists of the 16th to the 18th century and their university disputations (altogether about 2,000,000 separate data).

2.1. The Data Bank

Concerning the choice of a program for a data bank, we decided to take a product by Siemens, namely GOLEM. The criteria for that decision and the resulting experience will be shortly described in the following:

In our case, only a selection of 8,000 writings out of more than 70,000 disputations from the institute's supply were to be accepted during a phase of building up. In the process of deciding for a certain data bank, we also had to take into account the registration of the rest of the stock and even further stocks. For the capacity of all data bank that meant allowing an

inclusion of at least 80,000 documents. Not only the number of data files, but also the composition of each data file is to be considered for a decision. The rules of formalization for the registration of the disputations wanted a detailed characterization of each writing or candidate's biography. Altogether, more than 60 descriptors had to be allocated.

On the one hand that included data, for instance the naming of the title, the university where the disputation was held or the names of respondents and the »Praeses«. On the other hand that included a free text of unknown length, telling about the author's life and giving information on the contents of the writing. It should provide access either through structured data or through every occurring word in the free text.

Furthermore, statistical analyses of the material were planned. When describing GOLEM in the following, it will become obvious in how far GOLEM suits the above defined requirements.

2.2. The Input of Data

GOLEM offers two possibilities of giving data into the pool. On the one hand data can be registered in normal text files where, however, GOLEM-specific orders need to be included, which make the program distinguish between single descriptors and free text. On the other hand a description of the information structure can be defined within the framework of GOLEM which allows an input in the form of a questionnaire.

We decided to take the second possibility because the input is much easier and moreover less liable to errors. Such a proceeding forces us to formulate rules, which sort out the mass of information items from the documents and thereby makes an efficient organization of the data bank possible. We worked out an enormous sum of rules that contained guidelines for the registration of disputations.

2.3. Statistical and Cartographical Evaluation

Apart from the opportunity of retrieving information, we also intended to evaluate the collected data statistically. As GOLEM does not offer such a statistical component, we had to develop our own system using the possibility of GOLEM's interface (GOLINK), where it can be contacted by assemblers and Cobol programs.

We now have a program that is led by masks which is rather easy to handle. It questions the necessary data at GOLEM's interface, in order to transmit them in an appropriate processed form to the statistical program INFPLAN that takes over the processing. That is why tabular evaluation is possible with absolute or percentage numbers. Those refer either to the whole data bank, to certain time periods of the material, or to the sample

survey. You can also get a print-out of the table or a graphic representation of the »Scalendigram«.

Furthermore, it should be mentioned that we succeeded in transforming the statistical results cartographically by processing:

The map of the Holy Empire in the historical borders of the »Peace Treaty of 1648«, the respective borders of the Empire's territories and the coordinates of 9,000 places have been digitalized. On the basis of the available data that are readable by machines, the cartographical representation of statistical results is possible in various forms. That means, there is an instrument which can be used for quantitatively orientated research projects on the Holy Empire in similar ways.

References

By storing all that information in the data bank we were provided with the prerequisites of publishing biographical and bibliographical repertoires. Until now, three volumes have been published:

Juristische Dissertationen deutscher Universitäten (17.-18. Jahrhundert).

Dokumentation zusammengestellt von einer Arbeitsgruppe unter der Leitung von F. Ranieri, I—II (Ius Commune. Sonderhefte 27), Frankfurt am Main 1986; Biographisches Repertorium der Juristen im Alten Reich, 16.-18. Jahrhundert, herausgegeben von F. Ranieri unter Mitarbeit einer Arbeitsgruppe des Max-Planck-Instituts für Europäische Rechtsgeschichte, Vol. E, Frankfurt am Main (Klostermann) 1987. Further volumes of this repertoire are planned.

For more detailed sources of literature on juridical disputations at German universities of the 16th to the 18th century, its importance for history of law and constitution, as well as its historical quantitative evaluation, see the following articles:

RANIERI, F. Juristische Literatur aus dem Ancien Régime und historische Literatursoziologie, Einige methodische Vorüberlegungen, in: Aspekte europäischer Rechtsgeschichte. Festgabe für Helmut Coing zum 70. Geburtstag, Frankfurt am Main 1982, 293-322

DERS., Vom Stand zum Beruf. Die Professionalisierung des Juristenstandes als Forschungsaufgabe der europäischen Rechtsgeschichte der Neuzeit, in: Ius Commune 13 (1985), 83-105

DERS., Eine Datenbank der juristischen Dissertationen und Juristen im Alten Reich. Ein Projektbericht, in: Historical Social Research. Quantum Information 37 (1986), 109-115

DERS., Juristische Universitätsdisputationen im 17. und 18. Jahrhundert. Zur Analyse des deutschen Autoren- und Händlermarktes, in: E.V. Heyen (Ed.). Historische Soziologie der Rechtswissenschaft, Frankfurt am Main 1986, 157-172

RANIERI, F. und NEUGEBAUER, R. GOLEM als Werkzeug des Rechtshistorikers, in: Informatik und Recht, 11/12 (1986), 476-481

RANIERI, F. Der Universitätsbesuch der deutschen Rechtsstudenten am Übergang zwischen 16. und 17. Jahrhundert. Ein rechts- und sozialhistorischer Beitrag zur Mobilität der Juristen im Alten Reich, in: Ius Commune 15 (1987)

Longitudinal Data File Compilation for Historical Analysis

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1. Introduction

Recent development of computer environment has made it possible to handle a large scale database. Thus, to compile a longitudinal data file based on the micro data for historical analysis becomes possible if the source of data remains. Our recent effort is to compile a historical database especially aiming to reconstruct a list data of factories and companies obtained from various sources and to integrate these list data into one longitudinal file linking the data of same factory in different time periods. (1)

Our focus of attention is to analyze the industrialization process of the Japanese economy since the Meiji Restoration in 1859 after the opening the Japanese market to the world. The basic economic policy of the government was how to catch up the standard of the Western World through introducing the Western technology, both, of hardware and software. The factory production system was one of the examples. (2)

The factory production system was characterized with the power machine and the new management system of assembling workers in one workshop. Since the 1980s, the Japanese government tried to grasp the actual situation of the factory system and left various list data of the factories. Our file uses these fragmental data to compile a longitudinal one between 1902 and 1909 for manufacturing factories. This period is extremely important to understand the situations of the results of the first industrial revolution. The Russo-Japanese War was in 1904-5 and the First World War was in 1914-18 and the period we analyze lies between these two phases.

2. Survey System and High Refusal Ratios

The list of factory of 1902 was based on the survey of which the basic enumeration or reporting unit was the factory of more than ten employees. But the coverage of the list of factory of 1909 was expanded to more than

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